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May 26, 2016

BY ECF

Honorable Raymond J. Dearie
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Curtis Sean Dancy v. City of New York, et al.
15-CV-432 (RJD) (RER)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to the defense of the above-referenced matter. Defendants respectfully seek leave to file a response to plaintiff's affidavit/declaration, dated May 16, 2016, and its corresponding exhibits (Dkt No. 34), which was submitted in supplemental opposition to defendants' motion to dismiss the complaint and pursuant to Court Order dated April 15, 2016. Defendants request until June 10, 2016 to respond or to inform the Court that no response is necessary.

The reason for this request is that defendants have not yet had a chance to address issues raised in plaintiff's supplemental submission. The reason for the delayed request is that the undersigned was out of the office from May 12-19th. I apologize for any inconvenience to the Court caused by the delayed nature of this request. Plaintiff consents to this request on the condition that he be permitted to file an additional reply to defendants' response. Defendants do not agree that such a reply is appropriate.

Accordingly, defendants respectfully request leave to respond to plaintiff's May 15th submission by June 10, 2016.

Thank you for your consideration.

Respectfully submitted,

/s/

Rhiana Swartz
Senior Counsel

cc: Richard Reyes, Esq. (via ECF)
Ryan Lozar, Esq. (via ECF)
Attorneys to Plaintiff